

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE  
FERTILIZER INSPECTION ADVISORY BOARD MEETING  
Sacramento, California  
February 8, 2005**

**MINUTES**

**MEMBERS**

John Salmonson  
Brad Baltzer  
Tom Beardsley  
James Joseph  
Tim McGahey  
Stephen Spangler

**CDFA**

Steve Mauch  
Elizabeth Houser  
Asif A. Maan  
Kent Kitade  
Pierre Labossiere  
Mark Lee  
Maryam Khosravifard  
JoAnn Jaschke  
Katherine Gray  
Vincent King  
Dale A. Rice  
Darlene Hayashi

**INTERESTED PARTIES**

Renee Pinel/WPHA  
Sanford Simon/United  
Industries Corporation

**ITEM 1: CALL TO ORDER**

The meeting was called to order at 1:40 p.m.

**ITEM 2: INTRODUCTIONS AND ANNOUNCEMENTS**

Chairman John Salmonson welcomed everyone to the meeting. Self-introductions were made. A quorum was established at 1:45 p.m.

**ITEM 3: APPROVAL OF MINUTES**

John Salmonson asked the Fertilizer Inspection Advisory Board (FIAB) to review the minutes of the September 14, 2004, meeting.

**MOTION:** A motion was made and seconded (McGahey/Spangler) to accept the minutes as written. Motion passed unanimously.

**ITEM 4: DIVISION AND BRANCH UPDATE**

Stephen J. Mauch announced the resignation of Undersecretary Charles Ahlem and the appointment of new Undersecretary A. J. Yates.

Mr. Mauch introduced the new Division Special Assistant, Elizabeth Houser. Ms. Houser will help work on a method to more cost effectively utilize seasonal or temporary help. Mr. Mauch spoke about the Grain and Commodity Inspection Program terminating this year. The Agricultural Commodities and Regulatory Services (ACRS) Branch is giving up the delegation, and the inspection for grain and commodities will be going private.

Asif A. Maan, Ph.D. spoke about the recent staff changes in the Branch, which included: promotion of Kent Kitade to Agriculture Program Supervisor, moving of Staff Services Analyst Laurie Shortridge to Human Resources Branch, appointment of Dale Rice to Staff Services Analyst, promotion of Maryam Khosravifard to Senior Environmental Research Scientist, appointment of Scott Hamilton and Vincent King to Registration Specialist positions as a temporary authorization appointment, hiring of Josh Fenrich as a seasonal Agriculture Technician for Fertilizer, Research, and Education Program (FREP), and appointment of Darlene Hayashi as Branch Secretary.

#### **ITEM 5: BUDGET STATUS**

Dr. Maan discussed the fiscal year 2004/05 budget status report for the Commercial Fertilizers. Dr. Maan will provide the fund condition status and the proposed budget for fiscal year 2005/06 at the next board meeting.

#### **ITEM 6: REGULATORY UPDATE**

Kent Kitade announced that an Orange County licensee pleaded guilty of unauthorized movement of quarantined material. The fines were \$ 250.00 plus a misdemeanor.

The Feed, Fertilizer, and Livestock Drug Field Investigators attended a training session in March. Subjects for discussion were reviewing fertilizer formulations, the reaffirmed work plan that was established from last summer, and the goal to sample a total of 1,000 fertilizer products for both agriculture and home and garden this year.

It was pointed out that the process to resolve a quarantine might require additional clarification beyond the quarantine notice and the letter to the manufacturer.

Maryam Khosravifard received a petition from the United Industries Corporation regarding an exemption from the California Code of Regulations, Section 2303 (i)(2) for potting soil that contains micronutrients for ready-to-use purposes. This waiver would be consistent with the Association of American Plant Food Control Officials' requirement and would require amendment of Section 2307 of the California Code of Regulations.

**MOTION:** A motion was made and seconded (Joseph/Baltzer) for this exemption from Section 2303 (i)(2) to exclude fortified potting soils with mineral fertilizers from the requirement of minimum guarantee for secondary and micronutrients in the Fertilizing Materials Law and Regulations. The motion passed unanimously. The Branch will develop a regulation proposal consistent with the Board's direction.

#### **ITEM 7: ELEMENTAL SULFUR**

Maryam Khosravifard briefed the Board on the elemental sulfur public hearing that was conducted that morning. There was testimony from four individuals in the hearing. Ms. Khosravifard indicated there was opposition from the organic growers and the two companies that are marketing elemental sulfur for foliar application in California. This regulation is also partly opposed by the California Rural Legal Assistance Foundation. This organization, representing farm workers, is concerned that the proposed regulations do not address the safety aspect of elemental sulfur for foliar use. In their view, the workers and the public are being exposed to a registered pesticide without their knowledge, which could cause eye and skin irritation, as well as respiratory illnesses. This foundation indicated that fertilizers also need to be regulated like pesticides to protect worker health and safety, as well as the public health. A report on the statistics of illnesses of farm workers caused by elemental sulfur is among the highest, even with all the existent regulations in place as a pesticide.

#### **ITEM 8: CONCENTRATED ANIMAL FEEDING OPERATIONS PERMITTING BY CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD**

Maryam Khosravifard informed the Board on the proposed Central Valley Regional Water Quality Control Board (CVRWQCB) regulations for issuing permits to the large dairy operations. One of the elements of the regulation is the requirement that dairy producers that export manure or wastewater from their facilities provide the recipient the most recent analysis of the manure for nitrogen and phosphorus content. Since this is considered labeling and triggers Fertilizing Materials Law and Regulations with respect to nutrient guarantee requirements, the Department has been asked to issue a waiver from this requirement. The number of dairies subject to this permitting is 1,000 with greater than 700 cows. Ms. Khosravifard asked the Board for any feedback regarding the impact of such a requirement to the commercial fertilizer industry. The Board did not think the increased manure use from this would impact their industry, but wanted to ensure the requirement for nutrient discharge would be consistent with the existing or any future requirements for the nonpoint source pollution discharges from the use of commercial fertilizer. Ms. Khosravifard would arrange a meeting with the CVRWQCB for clarification to this issue.

### **ITEM 9: FREP UPDATE**

JoAnn Jaschke gave an update on the following issues:

- Approximately 91 people attended the FREP 2004 Conference last November at the AgTAC facility in Tulare. The FREP/Technical Advisory Subcommittee (TASC) will consider plans for two conferences next year, one in October and one in February, focusing on regional issues.
- The TASC conducted a conference call prior to the FIAB meeting to discuss the financial status of FREP. Ms. Jaschke and Mr. Kitade informed the TASC that after a preliminary review of the finances it appeared that FREP was overextended. The TASC recommended to the FIAB that FREP not solicit new proposals for the 2005/06 fiscal year. The CDFA staff will conduct a more thorough review of the financial history for FREP and present the findings to both the TASC and the Board.

### **ITEM 10: FERTILIZER REGISTRATION PROCESS UPDATE**

Kent Kitade informed the Board there was a backlog on the fertilizer registrations. Vincent King is helping Suzanne Turcotte make progress on getting the fertilizer registrations caught up.

Mr. Kitade handed out a draft of the licensing and registration process guide for Fertilizing Materials. Any comments about the draft needed to be sent back to Mr. Kitade by February 25, 2005. The draft was also e-mailed to the Board, Renee Pinel of Western Plant Health Association, and Sanford Simon of United Industries Corporation.

### **ITEM 11: LABORATORY UPDATE**

Dr. Mark Lee announced the workshop for the industry would be on February 9-10, 2005, at the Center for Analytical Chemistry, 3282 Meadowview Road, Sacramento, CA 95832. Focus of the workshop will be fertilizer regulation and registration processes, and lab analysis of fertilizer products.

### **ITEM 12: ADDITIONAL ITEMS AND NEXT MEETING**

Items for next meeting:

- Dr. Maan will discuss fund conditions and status for the proposed fiscal year 2005/06 budget
- ACRS staff to review FREP's budget

- Recap fertilizer movement compared to previous year
- Recap fertilizer violations

Additional item:

- Ethics class – Anyone who has not completed this class will need to do so.

The next board meeting is scheduled for May 20, 2005, at 8:00 a.m. at the California Farm Bureau, 2300 River Plaza Drive, Sacramento, CA 95833.

**ITEM 13: ADJOURNMENT**

**MOTION:** A motion was made and seconded (Beardsley/McGahey) to adjourn the meeting. The motion passed unanimously, and the meeting was adjourned at 4:30 p.m.

Respectfully submitted by,

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Asif A. Maan, Ph.D., Branch Chief  
Agricultural Commodities and Regulatory Services  
Inspection Services

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Date

AAM/dh